

21 OCT 2002

PATENT
Attorney Docket 045636-5056-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Alexandra Gruss et al.**)
Application No. **10/088,657**) Art Unit: **Not Assigned**
International Application Filing Date:) Examiner: **Not Assigned**
September 20, 2000)
Date of National Stage Entry: **March 20, 2002**)
For: **Lactic Acid Bacteria Transformed To Be**)
Provided With Respiratory Metabolism)

Box PCT

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This paper is filed in response to the Notice of Missing Requirements dated May 21, 2002. A copy of the Notice of Missing Requirements is enclosed.
2. Declaration or Oath: No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
3. English Translation of Non-English Language Papers: Enclosed is an English Translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the U.S. Patent and Trademark Office.
4. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a three month extension of time from July 21, 2002 to October 21, 2002. If an additional extension of time is required, please consider this a petition therefor.
5. Additional Papers Filed:
 - (i) Preliminary Amendment Requesting Entry of Sequence Listing
 - (ii) Copy of Raw Sequence Listing Error Report
 - (iii) Statement Accompanying Sequence Listing
 - (iv) Sequence Listing – 3 pages
 - (v) Computer Disk with Sequence Listing in electronic format
 - (vi) Second Preliminary Amendment

6. Fee Calculation (37 C.F.R. § 1.16):

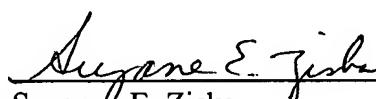
CLAIMS FOR FEE CALCULATION						
	Remaining		Previously Paid	Extra	Rate	Basic PCT Fee: \$890.00
Total Claims	16	minus	20	0	\$18 each	+ 0.00
Independent Claims	1	minus	3	0	\$84 each	+ 0.00
First presentation of Multiple dependent claim				\$280.00		+ 0.00
					Sub-total =	= 0.00
Fee for furnishing Oath or Declaration after twenty or thirty months from priority date (37 C.F.R. § 1.492(e))						+ 130.00
Fee for furnishing English translation after twenty or thirty months from priority date (37 C.F.R. § 1.492(f))						+ 130.00
					Total Fee =	\$260.00

7. Fee Payment: The Commission is hereby authorized to charge \$1,180.00 to Deposit Account 50-0310 for payment of the three-month extension of time fee (\$920.00), declaration surcharge fee (\$130.00), and English translation surcharge fee (\$130.00).

8. Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Dated: **October 21, 2002**
Morgan, Lewis & Bockius LLP
Customer No. 09629
1111 Pennsylvania, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



Suzanne E. Ziska
Registration No. 43,371

10/23/2002 SNAJARRO 00000087 500310 10088657
01 FC:1617 130.00 CH

10/23/2002 SNAJARRO 00000087 10088657
02 FC:1618 130.00 CH



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,657	Alexandra Gruss	045636-5056
INTERNATIONAL APPLICATION NO.		
PCT/FR00/02611		
IA. FILING DATE	PRIORITY DATE	
09/20/2000	09/20/1999	
CONFIRMATION NO. 2774		
371 FORMALITIES LETTER		
 *OC00000008153141*		

Date Mailed: 05/21/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report

Docketed 526102 Attorney ECW
 Case 45636-5056
 Due Date 7/21/02
 Action MISS. Requirements
 By (Signature) Chk PR

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English.
- Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 30 months from the priority date (37 CFR 1.492(f)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN.

Morgan, Lewis & Bockius LLP

ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$260** for a Large Entity:

- \$130 Late oath or declaration Surcharge.
- \$130 for English translation surcharge required.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,657	PCT/FR00/02611	045636-5056

FORM PCT/DO/EO/905 (371 Formalities Notice)